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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/454,492	12/06/1999	CLAUDIO R. BALLARD	P43312	3808
40401	7590	09/11/2009		
Hershkovitz & Associates, LLC 2845 Duke Street Alexandria, VA 22314			EXAMINER WEISBERGER, RICHARD C	
			ART UNIT	PAPER NUMBER
			3693	
			NOTIFICATION DATE	DELIVERY MODE
			09/11/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@hershkovitz.net  
patent@hershkovitz.net

<b>Interview Summary</b>	<b>Application No.</b> 09/454,492	<b>Applicant(s)</b> BALLARD, CLAUDIO R.	
	<b>Examiner</b> Richard C. Weisberger	<b>Art Unit</b> 3693	

All participants (applicant, applicant's representative, PTO personnel):

(1) Richard C. Weisberger. (3) James Kramer.

(2) Ed Garcia. (4) A. Hershkovitz.

Date of Interview: August 25th 2009.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 55-79.

Identification of prior art discussed: of record (see comments).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Richard C Weisberger/ Primary Examiner, Art Unit 3693	
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## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Items Discussed:

1) Corrections of PTO-326

The following agreements were reached concerning ambiguities and typographical errors in the previously issued PTO-326:

It was agreed that box 4 should read, claims 55-79. box 4a should read 55-57,60,65,70,71,72, and 75-78, and box 6 should read 58,59,61-64,66-69,73-74 and 79.

2) Clarification of Citation of Prior Art

It was agreed that the examiner would better identify the reference cited under 102(b) and 103 which currently cited IBM Financial Document Processing. The examiner located the reference. The reference cited is identified as IBM's Proposal to The Federal Reserve Bank of Boston, 1991 (Item 74) on applicant's IDS of 2/06/2007.

3) Clarification of 102 rejection over US Patent 5,559,313.

It was agreed that the claims rejected under 102(b) over US Patent 5559313 are 58-59,61-64,66-69. The examiner pointed out that the steps of capturing, managing, collecting and transmitting each read on the steps within the credit card processing functionality. The applicant pointed out that the reference fails to teach encrypting subsystem identification information and it was agreed that the examiner would further consider this point and provide further comment in this interview summary. Broadly, it is the examiner's position that the claims read on conventional credit card/smart card processing. As to the subsystem identification limitation, it is the examiner's position that the "store name" reads on a subsystem identification (see, col. 3. lines 29-33) as the store name like the subsystem identifies the source of the transaction. As to the encryption step, it is the examiner's position that the credit card number, store identification number and charge amount are inherently encrypted when sent to the credit card processor. It is the examiners position that encryption reads on any function that secures the data transmission and that credit card numbers are inherently encrypted within a credit card processing system. As to the other limitations of claim 59, limitation 1 reads on the use of the smart card or alternatively the use of a credit card, limitation 2, reads on routing the transaction information to the classification tables or alternatively on routing the information to the credit card merchant account processor, limitation 4, reads on sending the information to the credit card merchant account processor, and limitation 5, again reads on sending the information to the credit card processor. As to claim 74, this limitation reads on the reading of the information from the smart card.

4) Clarification of 103 rejection over US Patent 5,558,313.

It is pointed out that the rejection is over claims 73-74 and 79. The reference fails to teach the transaction data obtained from electronic transaction from smart cards. It would have been obvious for one skilled in the art to have used a smart card as the merchant field recognizes that a smart card is an art recognized alternative to credit cards and often includes all the functionality of a credit card. As to the use of biometric data, it would have been obvious for one skilled in the art to add biometric identification to the credit card process as motivated by the need to decrease fraud.

5) Double Patenting

It was agreed that the terminal disclaimer of record overcomes this rejection.

7 Clarification of 101 rejection

It is pointed out that the rejection under 101 is for claims 58 and 73.

6)Restriction Requirement of 1/14/2009.

It was previously agreed that this restriction was sent in error.

7) It was agreed that the finality status was correct and that the examiner would hold an interview, if the applicant deemed necessary, to discuss the proposed after final claim amendments.

